

Introduced by Senator Ducheny

February 25, 2009

An act to amend Section 17070.20 of the Education Code, and to amend Section 15490 of, to add Section 15490.5 to, and to repeal Section 14620 of, the Government Code, relating to the State Allocation Board.

LEGISLATIVE COUNSEL'S DIGEST

SB 365, as introduced, Ducheny. State Allocation Board: Office of Public School Construction.

Existing law establishes the State Allocation Board (board) and specifies its membership and duties. Existing law establishes numerous responsibilities for the board with respect to the allocation and expenditure of state funds for the construction of public school facilities. Existing law provides that the board consists of the Director of Finance, the Director of General Services, a person appointed by the Governor, the Superintendent of Public Instruction, and 3 members from each house of the Legislature.

Existing law establishes the Office of Public School Construction in the Department of General Services, and specifies the duties and officers of that agency.

This bill would retain the Superintendent, or his or her designee, as a member of the board, but would increase the number of gubernatorial appointments to the board to 4, specifying that these appointees would serve staggered terms, and would be required to have expertise in educational facilities construction, engineering, architecture, or finance, or expertise in compliance with the federal Americans with Disabilities Act or other planning and construction standards for pupils with special needs. The bill would also reduce the number of members appointed

by each house of the Legislature from 3 to 2, and give the legislative appointing authorities the option to appoint public members instead of Members of the Legislature. The bill would make the Director of Finance and the Director of General Services, or their respective designees, nonvoting members of the board.

The bill would transfer the functions, officers, and employees of the Office of Public School Construction from the Department of General Services to the board, effective January 1, 2010, and would provide for the retention of the civil service rights of those employees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.20 of the Education Code is
2 amended to read:

3 17070.20. ~~The Director of General Services board~~ shall
4 administer this chapter ~~and. The Director of General Services~~ shall
5 provide assistance to the board as it requires.

6 SEC. 2. Section 14620 of the Government Code is repealed.

7 ~~14620. There is in the department a general services planning~~
8 ~~officer, a procurement officer, and an executive officer of the~~
9 ~~Office of Public School Construction. Each officer or executive~~
10 ~~director may be appointed by the Governor, upon recommendation~~
11 ~~of the director, and shall serve at the pleasure of the director. His~~
12 ~~or her salary shall be fixed by the director in accordance with law.~~
13 ~~Each officer or executive officer shall have any duties that may~~
14 ~~be assigned to him or her by, and shall be responsible to, the~~
15 ~~director for the performance of those duties. It is the intent of the~~
16 ~~Legislature that this section is not to result in an increase in the~~
17 ~~number of positions in the department.~~

18 SEC. 3. Section 15490 of the Government Code is amended
19 to read:

20 15490. (a) There is in the state government the State Allocation
21 Board, consisting of ~~the Director of Finance, the Director of~~
22 ~~General Services, a person appointed by Governor, and the all of~~
23 ~~the following:~~

24 (1) *The Superintendent of Public Instruction or his or her*
25 *designee. The board shall also include three*

(2) *Two Members of the Senate or public members appointed by, and serving at the pleasure of, the Senate Committee on Rules; two of whom shall belong to the majority party and one of whom shall belong to the minority party and three. The Senate Committee on Rules may appoint one Member of the Senate and one public member to the board under this paragraph.*

(3) *Two Members of the Assembly or public members appointed by, and serving at the pleasure of, the Speaker of the Assembly; two one of whom shall belong to the majority party and one of whom shall belong to the minority party. The Speaker of the Assembly may appoint one Member of the Assembly and one public member to the board under this paragraph.*

(4) (A) *Four public members appointed by the Governor. The public members appointed pursuant to this paragraph shall have relevant experience, including, but not necessarily limited to, experience in either of the following:*

(i) *Educational facilities construction, engineering, or finance.*

(ii) *Expertise in compliance with the federal Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.) or other planning and construction standards for pupils with special needs.*

(B) *The members appointed under this paragraph shall serve staggered terms. With respect to the public members appointed immediately after the operative date of the act that adds this paragraph, the terms of two of the public members shall be for two years and the terms of the other two public members appointed under this paragraph shall be for four years. Upon the expiration of these terms, subsequent public members shall serve four-year terms.*

(C) *A member appointed under this paragraph may be appointed to an additional term or terms.*

(5) *The Director of Finance or his or her designee, and the Director of General Services or his or her designee, shall serve as nonvoting members of the board.*

(b) *The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties.*

(c) *The Director of Department of General Services shall provide assistance to the board as the board requires, including, but not*

1 necessarily limited to, the provision of the office space necessary
2 to administer the affairs of the board at a cost and in an amount
3 comparable to the accommodations of the board as of January 1,
4 2009. The

5 (d) The board may, by a majority vote of all the voting members
6 ~~do one or more of~~, shall elect a chair and vice chair from its
7 membership to serve one-year terms. The chair and vice chair
8 shall be eligible to serve no more than two consecutive terms.

9 (e) The board, by a majority vote of the voting members, shall
10 do all of the following:

11 (1) ~~Appoint an employee to report directly to the board as~~
12 ~~assistant~~ executive officer, who shall serve at the pleasure of the
13 board.

14 (2) ~~Fix~~ Determine the salary and other compensation of the
15 ~~assistant~~ executive officer.

16 (3) Employ additional staff members, and secure office space
17 and furnishings, as necessary to support the ~~assistant~~ executive
18 officer in the performance of his or her duties.

19 SEC. 4. Section 15490.5 is added to the Government Code, to
20 read:

21 15490.5. (a) On January 1, 2010, the Office of Public School
22 Construction shall be transferred from the jurisdiction of the
23 Department of General Services to that of the State Allocation
24 Board. Effective January 1, 2010, the civil service staff of the
25 Office of Public School Construction shall be transferred to the
26 board with no loss of civil service rights and privileges that
27 pertained to those employees prior to that date.

28 (b) Effective January 1, 2010, the general services planning
29 officer, procurement officer, and executive officer of the Office
30 of Public School Construction shall be transferred to the board.
31 On and after January 1, 2010, each of these officers shall serve at
32 the pleasure of the board. On and after January 1, 2010, a vacancy
33 in any of these positions shall be filled through an appointment by
34 the Governor, upon recommendation of the board. The duties and
35 salary of each officer shall be determined by the board.